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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

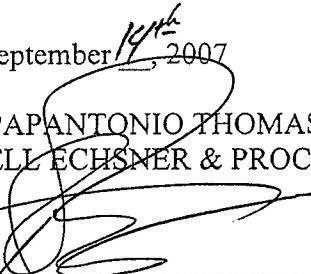
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IN RE: :
Fosamax Products Liability Litigation : 1:06-md-1789 (JFK)
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This Document Relates to: :
David E. Tundel :
v. Merck & Co., Inc. :
Case No: 1:07-cv-6396-JFK :
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**STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO THE
MOTION OF MERCK & CO., INC. TO DISMISS
PURSUANT TO FED. R. CIV. P. 41(a)(1)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff David E. Tundel and Defendant Merck & Co., Inc., through their respective undersigned counsel that Plaintiff's time to respond to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(a)(1) will be extended up to and including September 27, 2007.

Dated: September 10th, 2007

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SO ORDERED: _____
Hon. John F. Keenan